



CITY OF DANBURY
155 DEER HILL AVENUE
DANBURY, CONNECTICUT 06810

ZONING BOARD OF APPEALS
www.danbury-ct.gov

(203) 797-4525
(203) 797-4586 FAX)

ZONING BOARD OF APPEALS
MINUTES

April 8, 2021
7:00 p.m.

ROLL CALL:

Acting Chairman Rodney Moore called the web-based, ZOOM meeting to order at 7:00 p.m. Present were: Joseph Hanna, Juan Rivas, Michael Sibbitt, and Alternate Peter DeLucia, who was seated as a regular member in place of Richard Jowdy. Also present were staff, Zoning Enforcement Officer Sean Hearty and Secretary Mary Larkin. Also present were applicants and/or their representatives. Absent were: Richard Jowdy, and Alternates, Richard Roos, and Anthony Rebeiro. Mr. Moore gave a brief explanation of the proceedings of the meeting.

Motion to hear Application Nos. 21-06, 21-07, 21-08, and 21-10 was made by Joseph Hanna, seconded by Juan Rivas. All in favor with AYES from Peter DeLucia, Joseph Hanna, Juan Rivas, Michael Sibbitt, and Rodney Moore.

ACCEPTANCE OF MINUTES: March 25, 2021

Motion to accept the minutes of March 25, 2021 as presented was made by Peter DeLucia; seconded by Juan Rivas. All in favor with AYES from Peter DeLucia, Joseph Hanna, Juan Rivas, Michael Sibbitt, and Rodney Moore.

PUBLIC HEARINGS:

#21-07: Danbury, City of, 215-217 White Street, (J13102) and (J13103), RH-3 Zone, Sec. 8.C.1.c
(2) Allow parking in front yard at White Street and Ninth Avenue and Sec. 8.E.5.a Place sign within 10' of a front lot line.

Thomas Altermatt, Professional Engineer for the City of Danbury and Project Engineer, explained that the City is adding lanes to the subject area and moving the sidewalks to the North, which will affect parking and aprons. An existing sign needs to be relocated because it extends into the City Right of Way. The City of Danbury offered to request the necessary variances. Peter DeLucia asked if the uses would remain the same to which Mr. Altermatt said they would. This variance is just addressing the things that will be impacted. Mr. Moore said it makes sense. There were no further questions; no one present in favor or opposed.

Motion to close No. 21-07, City of Danbury 215-217 White Street, was made by Joseph Hanna; seconded by Michael Sibbitt. All in favor with AYES from Peter DeLucia, Joseph Hanna, Juan Rivas, Michael Sibbitt, and Rodney Moore.

Motion to vote made by Michael Sibbitt; seconded by Joseph Hanna. All in favor with AYES from Peter DeLucia, Joseph Hanna, Juan Rivas, Michael Sibbitt, and Rodney Moore.

Motion to approve, per plan submitted, was made by Joseph Hanna because the City has done a good job to minimize the variances and there are no negative factors; seconded by Peter DeLucia. All in favor with AYES from Peter DeLucia, Joseph Hanna, Juan Rivas, Michael Sibbitt, and Rodney Moore.

#21-06: Marcus, Neil Esq., agent for DaSilva, Steven, Pro-Contractors of CT, 4 Evergreen Rd., (K02067), Sec. 4.A.3 Reduce minimum side yard from 40' to 37' to roof overhang.

Attorney Neil Marcus appeared on behalf of his client, Steven DaSilva, Pro-Contractors of CT. Mr. Marcus explained that there was a construction error in the pouring of the foundation which caused a 3' encroachment into the side yard setback. He further explained this property is in an RA-80 zone, which is two-acre zoning and this is a pre-existing, non-conforming lot. Mr. Marcus said that other contributing factors to the error were neighbors' encroachments on the side of the lot such as a shed that slightly encroaches and a stone wall that encroaches in addition to the shape of the lot.

Mr. Marcus offered a letter from the neighbor, J. J. Thomas that indicated Mr. Thomas, after careful consideration and numerous discussions with the owners, including that the arborvitae should remain as long as they are healthy, is in favor of the variance.

Mr. Sibbitt said that he is against this variance because, although the house is beautiful, it is time that the professionals repair their mistakes. Mr. DeLucia indicated that he walked the property and only one side is in violation and stated that tearing down 3' is drastic. He remarked the house is esthetically pleasing. Mr. Moore said that it is never pleasant when the Zoning Board of Appeals is asked to correct an error; however, he asked the Board if this application had been submitted prior to building, would the Board have approved it? He thought they would have granted the variance. Mr. Rivas agrees it was a professional error and thinks the shed excuse is weak. Further discussion ensued regarding the possibility of fines for creating the problems, etc. Mr. Marcus offered to Mr. Sibbitt's point that they have no objection, if the Board feels the Thomas's need more landscaping or enhancement with vegetation, it would be a reasonable consideration.

Motion to close was made by Joseph Hanna; seconded by Michael Sibbitt. All in favor with AYES from Peter DeLucia, Joseph Hanna, Juan Rivas, Michael Sibbitt, and Rodney Moore.

Motion to vote was made by Joseph Hanna; seconded by Michael Sibbitt. All in favor with AYES from Peter DeLucia, Joseph Hanna, Juan Rivas, Michael Sibbitt, and Rodney Moore.

Motion to approve “with some hesitation” was made by Joseph Hanna; seconded by Peter DeLucia. Those in favor: Peter DeLucia, Joseph Hanna, Rodney Moore, and Juan Rivas. Against: Michael Sibbitt. Motion passed with four AYES.

#21-08: Hein, Kevin, 29 Moody Lane, RA-20, (I06002), Sec. 4.A.3 Reduce (South) side yard setback from 15’ to existing 7.5’ and reduce (North) side yard setback from 15’ to existing 2.2’ and 5’ to proposed deck. Increase building coverage from 20% to 22.4%

Stacey Keaney, Keaney & Co. LLC, explained the requested variance. There is an existing 9’ x 12’ deck that they would like to replace on this extremely narrow lot, only 50’ wide, which slopes 18’ from street down to patio in back. There is very little area for outside entertaining or congregating. The landscape architect has helped with plantings and patios so that the replacement deck will sit comfortably at the back of the house. This variance will provide a little extra room on the main level.

The hardship is the narrow lot and the home’s proximity to the property line. Ellen Hines, Landscape Architect is on the Zoom meeting and is available for questions. Rod Moore asked if this was just for the deck, which it is. Peter DeLucia asked about the coverage and what type of deck materials will be used and how it will affect rain drainage. Ms. Keaney replied the existing coverage is 22% not including the deck, which is impervious. The deck will be constructed of maintenance-free decking, Trex, and there will be a “nickel” space of approximately 1/16’ between boards for drainage. Plantings below the deck will absorb rain. Ms. Ellen Hines is working with Ms. Keaney and homeowners and the intention is to keep as green as possible. Existing blue stone will be reset on a stone dust base. An existing roof leader will go into plant beds not piped to lake. A set of stairs will be eliminated and 6’ screening fence will be added for privacy. There will be no regrading and more vegetation will be added. Mr. Moore asked if there would be vegetation closer to the water’s edge. A plan will be submitted to First Light and if need to the EIC. Invasive species have been removed and an effort to add native species will be made. Juan Rivas asked if the window and door replacements will add to the coverage or change anything as far as variances go. He noted that a roof overhang encroaches on the neighbor’s property. Ms. Keaney explained that the replacement windows and doors will not have an impact on that, and this is just the next level to have a more energy-efficient dwelling.

No further questions, no one in favor or opposed.

Motion to close was made by Joseph Hanna; seconded by Peter DeLucia. All in favor with AYES from Peter DeLucia, Joseph Hanna, Juan Rivas, Michael Sibbitt, and Rodney Moore.

Motion to vote was made by Michael Sibbitt; seconded by Peter DeLucia. All in favor with AYES from Peter DeLucia, Joseph Hanna, Juan Rivas, Michael Sibbitt, and Rodney Moore.

Motion to approve, per plan submitted, was made by Joseph Hanna as these are improvements; seconded by Peter DeLucia. All in favor with AYES from Peter DeLucia, Joseph Hanna, Juan Rivas, Michael Sibbitt, and Rodney Moore.

#21-10 Lees, Robert, agent for Roeker, Anne Marie, 1 Charcoal Ridge Drive South, (F04006), RA-40 Zone, Reduce minimum side yard setback from 25' to 22.6' for proposed addition roof overhang.

Robert Lees, agent for Anne Marie Roeker, explained the hardship for this variance is the shape of this corner lot with two front yards and two side yards. The homeowner wishes to extend the livability of the home as the occupants age into retirement instead of living elsewhere. Mr. Lees explained that care was taken so that the addition matches front of the house as well as the addition to the rear of house mimics the addition that had been installed on Ms. Skidmore's (neighbor's) house. Mr. Hanna asked what the existing setback measurement is on the other side. Mr. DeLucia answered 17.3'. No other questions. Peter DeLucia said he walked the lot and understood why the addition is proposed in the requested area as it is more centered than if it was in the back.

Motion to close was made by Joseph Hanna; seconded by Michael Sibbitt. All in favor with AYES from Peter DeLucia, Joseph Hanna, Juan Rivas, Michael Sibbitt, and Rodney Moore.

Motion to vote was made by Juan Rivas; seconded by Michael Sibbitt. All in favor with AYES from Peter DeLucia, Joseph Hanna, Juan Rivas, Michael Sibbitt, and Rodney Moore.

Motion to approve was made by Joseph Hanna because the new setback is better; seconded by Michael Sibbitt. All in favor with AYES from Peter DeLucia, Joseph Hanna, Juan Rivas, Michael Sibbitt, and Rodney Moore.

OLD BUSINESS: None

NEW BUSINESS:

#21-09: 3 Lake Avenue Extension LLC, 3 Lake Ave. Ext., (G15005), CA-80 Zone, Use Variance Sec. 5.B.2.a Allow use of property as "shelter for homeless with conditions." Public Hearing date: May 13, 2021.

Motion to accept and refer this matter to the Planning Commission and Zoning Commission was made by Rodney Moore; seconded by Peter DeLucia. All in favor with AYES from Peter DeLucia, Joseph Hanna, Juan Rivas, Michael Sibbitt, and Rodney Moore.

CORRESPONDENCE: None

OTHER MATTERS: None

ADJOURNMENT:

Motion to adjourn was made by Joseph Hanna; seconded by Michael Sibbitt. All in favor with AYES from Peter DeLucia, Joseph Hanna, Juan Rivas, Michael Sibbitt, and Rodney Moore. Meeting adjourned at 8:20 p.m.

Respectfully submitted,

Mary S. Larkin
Recording Secretary